

ORIGINAL

Approved: Lindsey Keenan/cch
Lindsey Keenan
Assistant United States Attorney

Before: THE HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

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|--------------------------|---|-------------------------|
| UNITED STATES OF AMERICA | : | <u>SEALED COMPLAINT</u> |
| - v. - | : | Violations of |
| | : | 18 U.S.C. § 875(c) |
| JUAN CARLOS PEREZ-MERA, | : | |
| | : | COUNTY OF OFFENSE: |
| Defendant. | : | ROCKLAND |

19m 10277

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SOUTHERN DISTRICT OF NEW YORK, ss.:

Justin M. Gray, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

1. On or about August 19, 2019, in the Southern District of New York, JUAN CARLOS PEREZ-MERA, the defendant, knowingly and intentionally did transmit in interstate and foreign commerce a communication containing a threat to injure the person of another, to wit, PEREZ-MERA sent a text message to his ex-girlfriend threatening her, which message was accompanied by a video of a firearm.

(Title 18, United States Code, Section 875(c).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Special Agent with the FBI, and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, as well as my examination of reports and records. Because this affidavit is being submitted for the

limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part.

3. Based on my conversations with a member of the Haverstraw Police Department (the "HPD"), I have learned the following:

a. In or around June 2019, in Harriman State Park, in Rockland County, New York, JUAN CARLOS PEREZ-MERA, the defendant, threatened to kill his ex-girlfriend (the "Victim").

b. Thereafter, the Victim applied for an order of protection, which was issued by Rockland County Court on or about June 3, 2019. The order of protection (the "Order") expires on June 3, 2021. Among other things, the Order requires PEREZ-MERA to stay away from the Victim's person, home, and place of employment, and precludes PEREZ-MERA from communicating with or contacting the Victim by mail, telephone, e-mail, voice-mail, or other electronic or any other means.

c. On or about July 7, 2019, PEREZ-MERA was arrested for violating the Order. PEREZ-MERA's violation conduct included his alleged kidnapping of the Victim, and threatening her with a firearm. In addition to the violation, PEREZ-MERA was charged with kidnapping in the second degree, in violation of New York Penal Law § 135.20, and criminal possession of a weapon in the second degree, in violation of New York Penal Law § 265.03(1)(b). The violation and criminal charges remain pending.

4. On or about October 29, 2019, I spoke with the Victim. Based on my conversation with the Victim, I have learned the following:

a. On or about August 19, 2019, at approximately 4:48 a.m., JUAN CARLOS PEREZ-MERA, the defendant, sent the Victim a text message via the messaging platform WhatsApp.¹ The message, which was in Spanish, said, in substance

¹Based on my familiarity with the WhatsApp messaging platform, I am aware that either party to a WhatsApp message can erase the content of a message from both parties' WhatsApp accounts, a feature WhatsApp calls "delete messages for everyone." Based on my conversation with the Victim, I have learned that JUAN CARLOS

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and in part, the following: "You know how this ends if Josue comes between us." The Victim understood PEREZ-MERA to mean that if another man came between the Victim and PEREZ-MERA, PEREZ-MERA would kill either the Victim or the other man.

b. Shortly thereafter, PEREZ-MERA sent the Victim a text message via the messaging platform WhatsApp. The message was a video of PEREZ-MERA holding a gun. A still image extracted from the video is attached hereto as Exhibit A. According to the Victim, PEREZ-MERA has distinctive burn marks on his left hand, identical to those on the hand depicted in the video.

c. On or about September 3, 2019, PEREZ-MERA sent the Victim a text message. The message contained a photograph of a black handgun. According to the Victim, she had previously seen PEREZ-MERA with the same handgun.

d. On or about October 21, 2019, PEREZ-MERA went to a retail store in Haverstraw, New York (the "Store"), where the Victim works. The Victim ran out of the Store to avoid PEREZ-MERA, but he followed her, shouting, in substance and in part, the following: "You won't live another day. I am going to get my gun and shoot you!"

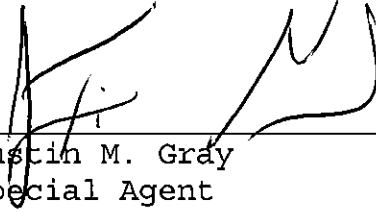
e. The Victim is disturbed by PEREZ-MERA's threats to kill her, and fears for her safety.

5. Based on my review of information provided by the messaging platform WhatsApp, I have learned that WhatsApp's servers are located in California. Messages sent through WhatsApp's messaging platform travel from the sender, through WhatsApp's servers in California, before they are received by the recipient.

PEREZ-MERA, the defendant, routinely deleted messages after sending them to her. Therefore, the Victim took screen grab images of PEREZ-MERA's threatening messages. I have reviewed screen grab images saved by the Victim, and confirmed the content of PEREZ-MERA's August 19, 2019, message is as set forth in Paragraph 4(a) and (b).

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WHEREFORE, deponent respectfully requests that JUAN CARLOS PEREZ-MERA, the defendant, be arrested, and imprisoned or bailed, as the case may be.


Justin M. Gray
Special Agent

Sworn to before me this
31st day of October, 2019

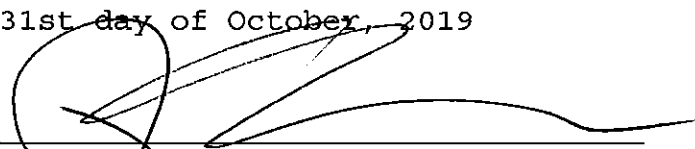

THE HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

EXHIBIT A

